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ABSTRACT

This SPEC (Systems and Procedures Exchange Center) Kit and Flyer reports results of a survey that examined how ARL (Association of Research Libraries) member libraries have organized the licensing of electronic products and how they approach the associated problems. Forty-four of the 122 ARL member libraries responded to the survey. Results are summarized in the areas of personnel, educating users and staff, record keeping, terms of agreement, collection development impact, and satisfaction levels. A copy of the questionnaire with responses is provided. Representative documents include: (1) position descriptions from the University of Texas, Library of Congress, and University of Connecticut; (2) training documents from the University of Minnesota, University of Connecticut, and University of Washington; (3) forms and checklists related to licensing and contracts from the University of New Mexico, Ohio State University, University of Washington, University of Connecticut, and University of Minnesota; and (4) examples of standard contract language from the University of Pennsylvania, University of Washington, and University of Connecticut. A list of 45 selected book, journal, and web site resources is included. (MES)

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ED 433 849

SPEC

SYSTEMS AND PROCEDURES EXCHANGE CENTER

Kit 248

Managing the Licensing of Electronic Products

August 1999

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SYSTEMS AND PROCEDURES EXCHANGE CENTER

Flyer 248

Managing the Licensing of Electronic Products

August 1999

Introduction

Although some standardization of practice appears to be developing, licensing of electronic products remains a challenge for many libraries and is handled in a variety of ways. This SPEC survey sought to discover how research libraries have organized the licensing of electronic products and how they approach the associated problems.

Management of the licensing of electronic products may include:

- negotiating licenses with vendors;
- preparing and maintaining policies on licensing;
- maintaining files, either electronic or paper, of license agreements;
- preparing and maintaining agreements with standard language concerning the rights and privileges that the library requires;
- interpreting license agreements to library staff and users and educating them in their rights and responsibilities; and
- providing guidance to collections development staff on licensing issues related to evaluating electronic products for purchase.

Survey Results

Forty-four of the 122 ARL member libraries (36%) responded to the survey. Nearly all respondents reported managing substantial numbers of licenses within the library, but most (32 or 73%) share license management with other offices of their parent institution or consortia. Nine libraries manage all licenses completely within the library. A few reported collaborating with other campus libraries or departments (e.g., the medical library or the school of business) as well as with university legal offices. Only one library reported that it does not manage licenses.

Survey respondents were asked to characterize in two ways how much license management they do: numbers of licenses and estimated dollar amounts. On average, they reported that 79% of licenses are managed internally, 16% by consortia or other off-campus entities (including state agencies), and 6% by other agencies of the parent organization (e.g., purchasing department). These percentages changed somewhat when dollars were estimated: 71% of the dollars are managed internally, 23% by consortia or other off-campus agencies, and 6% by other agencies of the parent organization. Thus, the major reason for external management was a consortial license.

Personnel. A majority of the responding libraries (26 or 60%) have one employee who is responsible for managing licenses. The titles held by these employees are: collections administrator, serials librarian, acquisitions librarian, electronic access manager, and special collections librarian. Sign-off authority for licenses is usually held by a department head, library director, or an assistant/associate library director. In a few cases, authority is held by someone outside the library (e.g., head of purchasing or comptroller). When respondents work with other agencies in their parent organizations, it is usually legal counsel; 89% report having access to legal counsel. Most of these relationships were characterized as effective, with the most commonly reported problem being delays in the authorization process.

Educating Users and Staff. One of the great challenges of licensed electronic products is educating users and staff about restrictions, permissible uses, etc. Respondents carry out this educational process in a variety of ways. The most common educational method is to make license awareness part of the training in library or database use; 28 libraries (68%) use this method with patrons, and 27 (66%) use it with staff. Online education screens at point of database entry is also frequently used (66% for users; 51% for staff). One-on-one training is another strategy (44% for users; 56% for staff). Another, less-used method is at the point of password provision (22% for both users and staff).

Thirty-three respondents (75%) reported providing special training for license managers. Sending these managers to workshops is the preferred method of providing training. Twenty of the 37 libraries that provide training have sent managers to the ARL workshop on licensing. Other workshops attended include those offered by ALA, NASIG, CARL/ABRC, and university attorneys on state and university licensing policies and copyright.

Record Keeping. Keeping records related to licenses is an important, sometimes frustrating component of the management task. Most respondents depend on paper records held in the acquisitions department, the collection development office, and/or the director's office, but a variety of other locations were mentioned as well. Few libraries appear to have licenses available in electronic form, though some are developing such systems.

Most respondents (79%) reported that they maintain

records for licenses negotiated by consortia to which they belong, and most of these (71%) said that they routinely receive copies of fully executed consortial licenses. Most (76%) also said that they reviewed and perhaps modified consortial licenses before they were finally signed.

Terms of Agreement. Most respondents (33 or 77%) do not use standard forms in working with vendors of electronic products. Nonetheless, all of the libraries that manage licenses do have, by policy, certain requirements that license agreements must meet. Most often found are requirements that walk-in patrons be allowed to use the product (72%) and that the product be subject to fair use rights as defined by copyright law (69%). Other provisions required by some respondents are: preservation of anonymity and confidentiality for users (36%), Year 2000 compliance (33%), periodic reporting of usage statistics (31%), use of the product for interlibrary loan (25%), confidentiality of usage information compiled by the vendor (22%), perpetual access to licensed information (22%), and ability to produce and keep archival copies (19%). A few libraries have requirements related to indemnification, often because these are required by state regulations.

The few libraries that have a formal policy for shrinkwrap and "click-on" licenses, managed them like other licenses, but two-thirds of the respondents do not have a formal means for managing these types of licenses.

Collection Development Impact. In a majority of responding libraries (26 or 59%), individual selectors have no reported responsibilities related to licenses. In the remaining libraries, the most common type of responsibility is to screen the license in the process of recommending the product for purchase. Only three libraries reported that selectors or selection committees are authorized to sign off on orders. One library reported a pilot project in which a selector would handle negotiations for a license.

Satisfaction Levels. In spite of identifying areas for improvement, most respondents are basically satisfied with the way licensing is managed in their libraries. Figures were a bit different, however, when respondents were asked to comment on whether license management had become easier or more difficult during the last five years. While a little more than half reported that the process was easier, 44% reported that it had become more difficult. Life has been made easier, several libraries reported, by the fact that both libraries and vendors are more experienced and better skilled in this area. Some said there are simply better vendor contracts that are more standardized and aware of library needs.

Others find life harder because there are now many more and more complicated licenses to manage. There is also more variety in types of products.

Libraries reported the following as the greatest challenges of licensing:

- maintaining documentation;
- negotiating;
- informing or training users and staff;
- time- and labor-intensity;
- slow turnaround time and delays;
- sheer number of licenses; and
- managing a process involving many people with whom one must communicate.

Conclusion

Although there appears to be a growing degree of comfort with the management of licensed electronic products, many libraries are still working to bring systems and processes to desired levels of effectiveness. Several factors appear to make a difference in the effectiveness of license management. The following could serve as a checklist for libraries contemplating change in this arena:

- have a centralized automated database of contracts and other license-related data for tracking and informational purposes;
- assign a single resident expert coordinator;
- assure that relevant staff, especially public services and collections staff, have all critical information;
- conduct continuous improvement in the licensing process;
- communicate with vendors: convey contract requirements clearly and build levels of trust;
- develop "boilerplate" license requirements for electronic products; and
- involve selectors more in the screening of products for licensing issues.

This SPEC Flyer and Kit were prepared by George J. Soete, ARL/OLMS Organizational Development Consultant, with the assistance of Trisha Davis, Ohio State University.

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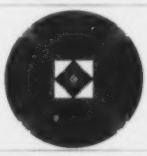

SYSTEMS AND PROCEDURES EXCHANGE CENTER

Managing the Licensing of Electronic Products

A SPEC Kit compiled by

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with the assistance of

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August 1999

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Committed to assisting research and academic libraries in the continuous improvement of management systems, OLMS has worked with its constituents since 1970 to seek the best practices for meeting the needs of users. The OLMS Information Services Program maintains an active publications program best known for its Systems and Procedures Exchange Center (SPEC) Kits. Through the OLMS Collaborative Research/Writing Program, librarians work with OLMS staff in joint research and writing projects. Participants and staff work together in survey design, writing, and editing publications that provide valuable insights and management perspectives on emerging trends, issues, and concerns of the academic and research library community. Originally established as an information source for ARL member libraries, the SPEC program has grown to serve the needs of the library community worldwide.

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SPEC Kits and Flyers can be ordered directly from the ARL Office of Leadership and Management Services or through your library vendor or subscription agent. For more information, contact the ARL Publications Department at (202) 296-2296, fax (202) 872-0884, or <pubs@arl.org>. Information on this and other OLMS products and services can be found on the ARL website <http://www.arl.org/olms/infosvcs.html>. The website for SPEC Kits and Flyers is <http://www.arl.org/spec/index.html>.

SPEC

SYSTEMS AND PROCEDURES EXCHANGE CENTER

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Managing the Licensing of Electronic Products

August 1999

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SURVEY RESULTS

MANAGING THE LICENSING OF ELECTRONIC PRODUCTS

Although some standardization of practice appears to be developing, licensing of electronic products is still handled in a variety of ways in research libraries. Sometimes a single person in the library coordinates all or most licenses, and sometimes several people perform the function. The function may also be shared with offices in the library's parent organization. Or a consortium of which the library is a member may be a major player in the licensing of products made available to the library's users.

Management/coordination of the licensing of electronic products may include, but is not necessarily limited to, several activities:

- negotiating licenses with vendors;
- preparing and maintaining policies on licensing;
- maintaining files, either electronic or paper, of license agreements;
- preparing and maintaining agreements with standard language concerning the rights and privileges that the library requires;
- interpreting license agreements to library staff and users and educating them in their rights and responsibilities; and
- providing guidance to collections development staff on licensing issues related to evaluating electronic products for purchase.

This SPEC survey seeks to discover how research libraries have organized themselves to manage and coordinate the licensing of electronic products and how they are approaching the problems and challenges associated with licensing.

This survey was drafted by George J. Soete, ARL/OLMS Organizational Development Consultant, with the assistance of Trisha Davis, Ohio State University. Responses and supporting documentation are due in the ARL office by March 1, 1999. As always, your individual responses will be treated confidentially.

Note: 44 of the 122 ARL member libraries (36%) responded to this survey.

GENERAL INFORMATION

1. How does your library manage/coordinate the licensing of electronic products? Check the closest response.

Some is done outside the library, on campus, or by consortial partners	32	73%
We do all licensing of electronic products that the library acquires	11	25%
We do not manage/coordinate the licensing of electronic products in the library	1	2%

2. Please consider the estimated number of licenses the library is party to and estimate the percentages of licenses managed/coordinated inside and outside the library.

	Range	Mean	Median
Internal management/coordination	25–100%	82%	90%
External management/coordination on campus	0–100%	11%	2%
Management by consortium or other off-campus entity	2–60%	19%	15%

3. Please consider the estimated dollar amount you spend annually on electronic products and indicate below your estimate of how those dollars are divided among the three locations.

	Range	Mean	Median
Internal management/coordination	20–100%	74%	82%
External management/coordination on campus	0–100%	14%	0%
Management by consortium or other off-campus entity	1–80%	27%	22%

4. If some licensing is managed outside the library, please explain briefly the basis for distinguishing between internal and external management/coordination. For example: "By campus regulation, all licenses for services costing $20,000.00 or more must be negotiated and managed outside the library by campus purchasing."

The source of funding is a major consideration. Typically, the library manages licenses for products purchased with library funds, and external agents, such as consortia, manage licenses for products purchased with external funds. Three libraries reported that contracts involving certain dollar figures have to be negotiated by other campus agencies (amounts ranged from $5 thousand to $25 thousand). Some parent institutions require review by university counsel or purchasing departments for all licenses.

STAFFING

5. How do you staff the function of managing/coordinating license agreements? Check the closest response. (N=43)

One person in the library has the chief responsibility	26	60%
This responsibility is distributed among more than one staff member	17	40%

Title for person with chief responsibility:

Collections administrator	10
Serials librarian	5
Acquisitions librarian	5
Electronic access manager	3
Special collections librarian	1
Deputy director	1
AUL (unspecified)	1

Departments involved when responsibility is distributed:

Acquisitions	10
Collections	9
Serials	6
Electronic resources	5
Systems	5
Reference	5
Business office	2

Number of persons involved when responsibility is distributed:

Range	Mean	Median
2–10	4	3

6. Have you ever recruited a person specifically to manage/coordinate licensing of electronic products for the library, either as a full- or part-time responsibility?

Yes	2	5%
No	41	95%

If yes, what is the position title?

Acquisitions librarian
Assistant head librarian, electronic information programs division

7. Who has final or "sign-off" authority in negotiating licensing agreements for the library?

Department head (collections, acquisitions, serials, electronic resources)	15	38%
Dean/director	12	29%
AUL	8	19%
University (comptroller, purchasing, legal affairs)	7	17%

This person:

Has full authority for all licensing contracts managed/coordinated internally	29	76%
Has some authority, but not all licenses are managed/coordinated internally	9	24%

8. With respect to licensing issues, does the library work with other persons and agencies in your parent institution?

Yes	34	83%
No	7	17%

Please list. (N=32)

Legal	22	69%
Purchasing	7	22%
Financial	3	9%
Information technology	2	6%
Intellectual property	1	3%

TRAINING

9. How do you educate users and staff about the rights and restrictions related to the licensing of electronic products? Please check all that apply. (N=41)

Technique	Staff	Users
Part of the training in library use or specific database searching	27	28
One-on-one training	23	18
Through online educational screens at each point of entry	21	27
At the password provision point	9	9
Other	9	8

10. Do you train library staff in the rights and obligations related to licenses?

Yes	23	52%
No	21	48%

Technique used:

New staff orientation	7	30%
New product introduction	7	30%
In-house presentations or meetings	5	22%
Teleconference	3	13%
External workshops	2	9%
Guidelines in staff manuals	2	9%

11. Have your managers/coordinators of licensing agreements received special training?

Yes	33	75%
No	11	25%

Technique used:

ARL workshop	20	61%
Other workshops	9	27%
Monitoring LibLicense-L	6	18%
Professional reading	4	12%

Record Keeping and Terms of Agreements

12. What kinds of documentation are maintained on licenses in the library? For example: "Paper records are kept in acquisitions. All licenses also online for staff consultation only."

All 44 respondents report keeping paper copies of licenses. These are filed in a wide variety of locations within the institution. A few respondents report they are beginning to develop online files or databases of licenses.

13. Does your library have formal means for managing/coordinating "shrinkwrap licenses?" For example, licenses that accompany relatively inexpensive software used on stand-alone computers.

Yes	14	32%
No	30	68%

14. Does your library have formal means for managing/coordinating "click-on" licenses?

Yes	16	36%
No	28	64%

15. If your library accesses electronic products through a consortium, do you maintain records on the licenses for such products?

Yes	33	79%
No	9	21%

Do you review/modify consortial licenses before they are signed?

Yes	32	76%
No	10	24%

Are you provided with a copy of the fully executed consortial license?

Yes	29	71%
No	12	29%

16. Does your library manage/coordinate any licenses on behalf of other libraries, e.g., within a consortium?

Yes	15	34%
No	29	66%

If yes, how many such licenses does your library manage?

Range	Mean	Median
1–20	5	2

17. Do you have standard request forms, order forms, processing forms, or descriptive documentation that you use with vendors of electronic products? Such documents might include, for example, your requirements or preferences related to the remote use of electronic products.

Yes	10	23%
No	33	77%

18. Specifically, do you have, by policy, requirements in any of the following areas that licensing agreements must meet? Check all that apply. (N=36)

Use by a walk-in user at a public terminal	26	72%
Fair use rights as defined by copyright law	25	69%
Insurance that individual user's identity remain anonymous and that search histories be kept confidential	13	36%
Year 2000 compliance warranty on all database and search software	12	33%
All usage statistics compiled by the vendor be reported to the library on a regular basis	11	31%
Use of the electronic material for interlibrary loan	9	25%
Perpetual access to purchased information	8	22%
Any usage information compiled by the vendor be used only for the vendor's internal operations and not released to outside parties	8	22%
Ability to produce and keep an archival copy	7	19%
Other	11	31%

19. Does the library have access to legal counsel or other assistance from your parent organization or from other sources in the management/coordination of licenses?

Yes	39	89%
No	5	11%

Impact on Collection Development

20. Do individual selectors of electronic products in your library have responsibilities related to licensing?

Yes	18	41%
No	26	59%

21. If you responded "yes" to question 20, do you have job description language related to this responsibility?

Yes	2	11%
No	16	89%

EVALUATIVE QUESTIONS

22. Are you satisfied with the way in which your licenses for electronic products are currently managed/coordinated? Check the closest single response and provide a brief explanation below.

Very much satisfied	6	14%
Somewhat satisfied	25	57%
Only slightly satisfied	5	11%
Neutral	1	2%
Slightly dissatisfied	3	7%
Somewhat dissatisfied	4	9%
Very much dissatisfied	0	

In general, respondents were satisfied if they had good procedures and workflow, experienced staff with exclusive responsibility for licenses, a short time frame for negotiating licenses, good communication of license terms to users, and good management of negotiated licenses. They were dissatisfied if these conditions were missing. The amount of time consumed in negotiating a growing number of licenses contributed to dissatisfaction.

23. In your view, has the management/coordination of licenses for electronic products become easier, harder, or stayed the same over the last five years? Check the single closest response.

Much easier	6	14%
Somewhat easier	8	19%
Slightly easier	7	16%
Same	3	7%
Slightly more difficult	5	12%
Somewhat more difficult	6	14%
Much more difficult	8	19%

Please list the factors leading to your assessment of "easier" or "more difficult." (N=39)

Factors that contribute to *easier* management include:

Better communication among all participants in the license process
Everyone involved with licensing has become better trained, more experienced
Improved workflow
Licenses have more acceptable terms, are more "library-friendly"

Factors that contribute to *more difficult* management include:

Contracts are more complex, with a greater variety of terms
There are more and more products that require license negotiation
There is a lack of standardized license language

24. What are the principal challenges of managing/coordinating licensing for electronic products in your view? For example: "Managing documentation files." (N=43)

License management (tracking status, maintaining files, or ensuring adherence to conditions of use)	20	47%
Negotiation (process, language or terms, or lack of standardization of terms)	17	40%
Educating users, staff, or vendors	13	30%
Time required or lacking or intensity of	8	19%
Turn-around time (length, communication delays, or lack of response)	6	14%
Number of licenses	4	9%

25. Do you contemplate making any changes in the way you manage/coordinate licensing for electronic products in the near future?

Yes	23	53%
No	20	47%

Kind of change:

Process improvement	8	35%
Create a database of licenses	7	30%
Create policy documents	4	17%
Create new staff positions	4	17%
Involve selectors	2	9%

Responding Institutions

University of Alabama
University of Alberta
Arizona State University
University of California–Riverside
University of California–San Diego
Case Western Reserve University
University of Colorado
Colorado State University
University of Connecticut
Cornell University
Emory University
University of Florida
Florida State University
Georgetown University
University of Georgia
Georgia Institute of Technology
University of Hawaii
University of Illinois at Chicago
Johns Hopkins University
Laval University
Library of Congress
McMaster University
University of Maryland
University of Massachusetts
Massachusetts Institute of Technology
University of Miami
University of Michigan
National Library of Canada
University of Nebraska–Lincoln
University of New Mexico
New York University
University of North Carolina
Ohio State University
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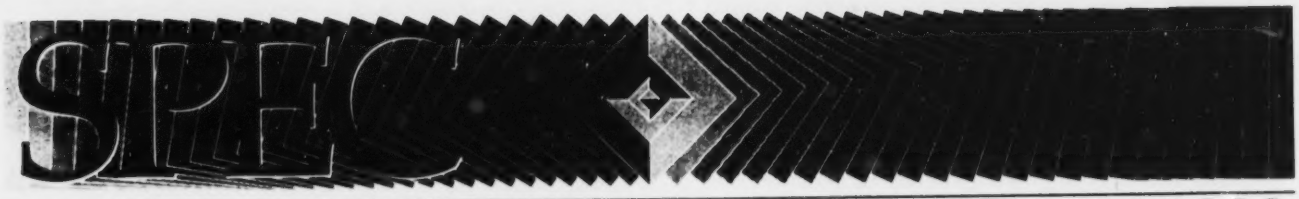

SYSTEMS AND PROCEDURES EXCHANGE CENTER

REPRESENTATIVE DOCUMENTS

THE GENERAL LIBRARIES

THE UNIVERSITY OF TEXAS AT AUSTIN

P. O. Box P · Austin, Texas 78713-7330

April 16, 1997

Assistant Head Librarian
Electronic Information Programs Office

The Assistant Head Librarian assists in the operation and administration of the Electronic Information Programs Office (EIPO). As an integral part of the team implementing electronic information services, the Assistant Head Librarian will provide support for University of Texas at Austin and other consortial resource sharing programs administered by staff of the General Libraries. Responsibilities include administrative support in the areas of creating pricing models, business plans, license agreements, and inter-institutional projects.

The Assistant Head Librarian provides management and technical support in the day-to-day operations of UT Library Online (UTLOL), the library's primary online public access information service (http://www.lib.utexas.edu/), for all public access information services provided by EIPO, and participates in team and supervisory activities of EIPO. Night and weekend work may be required.

The Assistant Head Librarian actively fosters staff collaboration and communication across departmental and divisional lines, and responds to new electronic text and media opportunities with initiative, creativity, and leadership. The incumbent works with bibliographers in all subject areas and is in regular contact with the Collections and Information Resources Division, Facilities and Support Services Division, and Library Systems Division, as well as with library staff throughout the state. This position reports to the Head Librarian, Electronic Information Programs Office.

REQUIRED QUALIFICATIONS: MLS from an ALA accredited graduate program; previous experience with licensing of electronic information for use in a networked environment; experience managing a website.

PREFERRED QUALIFICATIONS: Technical competencies and experience in the use of networked information resources including knowledge of the various features and functions of information products now on the market; familiarity with major information vendors and their products; demonstrated effective public speaking, interpersonal, writing, communication, and analytical problem-solving skills; demonstrated ability to work both independently and in a collegial and collaborative manner in a technically changing environment; demonstrated potential for leadership in university, state, national, and international programs and initiatives.

The salary range is $30,000 to $34,000, or more, depending on qualifications. No state or local income tax. Competitive benefits package; retirement plan options. To ensure consideration, applications should be received by April 30, 1997. Women and minority candidates are encouraged to apply. Send a letter of interest and resume, including the names, addresses, and phone numbers of three professional references, and a statement of salary requirements to: Peggy Mueller, The University of Texas at Austin, The General Libraries, P.O. Box P, Austin, TX 78713-8916. An Equal Opportunity/Affirmative Action Employer.

Job number: 97-04-16-12-0080 A

SPECIAL COLLECTIONS COORDINATOR
GS-1410-12

MAJOR DUTIES:

This position encompasses three principal assignments: (1) coordinating the acquisition of special material, (2) coordinating the acquisition of machine-readable material, and (3) coordinates the acquisition by gift or deposit of special and unique material and collections sought by the Library. The incumbent normally works in one of the three specialties, but could be assigned to one of the other specialties in the absence of that incumbent.

1. Coordinates efforts to acquire special material (by purchase, gift, or deposit), and/or machine-readable material for the Library's collections; maintains comprehensive records of all such transactions.

2. In consultation with the Chief, manages the division's role in the acquisition of special material/collections for the Library.

3. Maintains a close working relationship with custodial divisions and other offices of the Library (e.g. Office of the Librarian, General Counsel's Office) to assure that the processing of, and access to such material is in accordance with negotiated terms, or other commitments, and restrictions.

4. Exercises great sensitivity to the requirements of negotiating the acquisition of special material/collections. As appropriate, contacts donors, potential donors, depositors, etc. concerning the Library's gift and deposit programs, interests, and concerns.

5. Communicates directly with publishers, vendors, collectors, donors, etc. of special material/collections, with tact and diplomacy; maintains official relations through personal contact, telephone and other electronic communications, and correspondence.

6. As appropriate, prepares memoranda, acquisition reports, and other official communications for the various custodial divisions and other Library offices concerning policies, obligations, restrictions, etc. pertaining to the acquisition of special material.

7. Receives from various sources solicited and unsolicited recommendations and advice about potential and future acquisitions.

8. Travels as the division's and Library's representative to meet and negotiate with parties involved in these matters.

9. Maintains comprehensive and current records concerning all matters related to the transaction and material, including statistics, status of negotiations, names and addresses of

owners of rights, etc.

10. Reviews all contracts and/or licensing agreements for all special material, as appropriate.

11. Coordinates the negotiation and implementation of all contracts and/or licensing agreements for special material, as appropriate.

12. Incorporates the contracting and/or licensing information into the bibliographic record and order descriptions, as appropriate.

13. Inspects material upon receipt with regard to the order and contract specifications; forwards material for further analyses (e.g. full testing of microforms), as appropriate.

14. Directs the processing, accessioning, and routing of material after the specifications have been verified, as appropriate.

15. Reviews and approves for payment all special material invoices after order requirements have been met, as appropriate.

16. Performs other related duties as assigned.

17. In performing the duties of this position, the incumbent exercises care to ensure that government property, especially Library collection material, is properly handled and kept secure to avoid loss or damage.

FACTOR 1: KNOWLEDGE REQUIRED FOR THE POSITION

A thorough and expert knowledge and understanding of the full range of acquisition practices, particularly the acquisition of special material by purchase, gift, and deposit, and the acquisition of machine-readable material. Skill in drafting correspondence and negotiating in-person and by telephone; skill in using automated systems to access, utilize, and process acquisition and bibliographic information. Ability to provide comprehensive, advisory, research, and evaluative services to the Library for special material/collections. In-depth knowledge of Library collection policies and practices, knowledge of legal, administrative, and logistical issues and requirements for acquiring special material for the collections of the Library. Expert knowledge of Library purchase, exchange, and gift policies, and of Library selection guidelines.

FACTOR 2: SUPERVISORY CONTROLS

The incumbent works under the general supervision of the Chief. He/she meets regularly with the Chief and keeps him/her fully informed of all matters related to the acquisition of special material/collections. The incumbent independently exercising creativity, judgement and resourcefulness in carrying out the mission of acquiring special material and collections for the Library. He/she uses independent judgement to determine the priority and the most effective and efficient means of carrying out assignments, which are broad and general in nature. Work is reviewed for overall effectiveness in fulfilling the goals and objectives of division and the directorate in acquiring material materials and collections for the Library.

FACTOR 3: GUIDELINES

Guidelines include the Library of Congress Regulations and policies, Collections Policy Statements, selection guidelines, and regulations and laws pertaining to special material and their acquisition.

FACTOR 4: COMPLEXITY

The incumbent plays a major role in maintaining the quantity and quality of the Library's collections of special material, by acquiring machine-readable material, and /or special material/collections through purchase, gift, and deposit. The incumbent conducts a wide range of transactions simultaneously, working independently and often under pressure to meet conflicting demands and guidelines. The work requires versatility and innovation in adopting and modifying precedents, methods, and techniques. He/she must use diplomacy, skill, and tact in negotiating with vendors, donors, depositors, etc.

FACTOR 5: SCOPE AND EFFECT

The incumbent exercises day-to-day responsibility for implementing the Library's program for the acquisition of special library material including machine readable material, and special material and collections through gift and deposit. By skillfully negotiating licenses, contracts, purchases, instruments of gift, deposit agreements, etc., he/she he/she assures that the Library obtains what is needed to build and maintain its special collections and collections of special materials. He/she also assures that the material acquired is appropriate to the established Collections Policy Statements and guidelines, and that it is processed in a manner that ensures that all legal requirements and agreements and met concerning processing and accessibility.

FACTOR 6: PERSONAL CONTACTS

Maintains contacts are with a full spectrum of vendors, publishers, donors, potential donors, etc., including nationally and internationally renowned scholars, writers, public officials, and others; as well as Library specialists, Recommending Officials, senior managers, and staff in the Librarian's Office, the General Counsel Office, and the custodial divisions.

FACTOR 7: PURPOSE OF CONTACTS

To coordinate the Library's overall acquisition effort for special material; provide advice, and coordinate with subject specialists, other experts, and senior managers on Library issues involving legal, fiscal, administrative, public relations, and technical considerations that affect the Library's ability to build and maintain its collections; to conduct negotiations with clients; to plan and carry out special acquisition programs; and to arrange for the safe and secure transfer and maintenance of these material by the Library.

FACTOR 8: PHYSICAL DEMANDS

Work is largely sedentary; requires some lifting and moving of light to moderately heavy material to tables, carts, and trucks.

FACTOR 9: WORK ENVIRONMENT

Work is performed in an office setting.

University of Connecticut Libraries
Acquisitions Librarian

Working under the general direction of the Head of Collections Services on a self-managing team consisting of acquisitions and collection development staff, this individual will be based at the Homer Babbidge Library in Storrs, CT. The successful applicant will be a user-oriented acquisitions generalist who exercises leadership within a team-based environment on issues relating to: process re-engineering, funds management, license negotiation, contract compliance, and development of vendor-based services, with particular attention to networked digital products and services. The incumbent may also be a member of the Library's journals management team, and will serve at one of the Library's public service desks. Opportunity exists for the successful candidate to also participate in the Library's academic department liaison program. A copy of the full job description is available at: http://www.lib.uconn.edu/jobopps/

Minimum requirements include: an ALA-accredited MLS and at least one year of experience with an automated acquisitions and/or serials management system; excellent communication and interpersonal skills and potential for providing leadership in a team setting; and knowledge of word processing, database and spreadsheet software applications.

Desirable qualifications include: a second masters degree or PhD; work experience in an academic library or the information industry; and experience with the NOTIS library system.

Appointment level and salary are commensurate with experience (salary range mid $30's to low $40,000s). To apply, send letter of application, resume, and the names, addresses, and telephone numbers of three professional references to: Mr. Brinley Franklin, Associate Director for Administrative Services, University of Connecticut Libraries, Box U-5A, Storrs, CT 06269-1005. Screening of applications will begin immediately and continue until the position is filled.

Recruitment job description
Area: Collections Services
Title: Acquisitions Librarian

Job Summary:

Working under the general direction of the Head of Collections Services as part of a self-managing team of acquisitions and collection development staff, the successful applicant will be a user-oriented acquisitions generalist who exercises leadership within a team-based environment on issues relating to: process re-engineering, funds management, and development of vendor-based services. In close collaboration with the Networked Services Librarian, participates in license negotiation and contract review for networked digital products and services. The incumbent may also be a member of the Library's journals management team, and will serve at one of the Library's public service desks. Opportunity exists for the successful candidate to also participate in the Library's academic department liaison program.

Duties and Responsibilities:
Under the general direction of the Area Head for Collections Services, and as part of a self-managing team of acquisitions and collection development staff:

1. Participates in the management and documentation of workflow for ordering, receipt, and payment of serial and monographic purchases, and for establishing licensed access to networked digital information.

2. Reviews licenses for electronic information for conformity to established library guidelines and maintains central files.

3. Participates in the monitoring of the Library's fund-management systems for collections.

4. Interacts with information and materials vendors to determine and (within established limits) negotiate prices and licensing terms.

5. Maintains awareness of current developments among vendors in the provision of information and collection management services, and shares information with appropriate staff.

6. Maintains awareness of developing contractual standards in the library and publishing communities for licensed access to networked digital information, and shares information with appropriate staff.

7. Gathers data on University programs, registration, enrollments by subject, major, research grants, dissertations approved, faculty research, etc., and organizes this data for the benefit of bibliographers and library liaisons.

8. Participates in the development and implementation of Area policies and procedures; participates in projects undertaken by the acquisitions group, the Collections Services functional area, and the Library, as appropriate.

9. Participates in the Library's public service program through regularly scheduled service at a public desk.

10. Professional Service and Professional Development: Participates in the general programs of the Library and the University, and in appropriate professional activities.

Qualifications:

Required

1. ALA-accredited MLS

2. At least one year of experience with an integrated automated acquisitions and/or serials management system

3. Excellent communication and interpersonal skills and potential for providing leadership in a team setting

4. Knowledge of computer applications, including word processing and database and spreadsheet software

Preferred

1. A second masters degree or PhD

2. Work experience in an academic library or in the information industry

3. Experience with the NOTIS library management system

UNIVERSITY OF CONNECTICUT LIBRARIES
JOB DESCRIPTION

Area: Collections Services
Title: Acquisitions Librarian
Rank: University Librarian I
Salary Group: UCP (5)

JOB SUMMARY:
Reporting to the Area Head for Collections Services, working as part of one or more self-managing teams responsible for acquisitions and collection development, and in close collaboration with the Networked Services Librarian, the incumbent coordinates workflow for license negotiation, contract review, invoicing, and payment for networked digital products and services; researches current developments among vendors in the provision of information and collection management services; shares in the overall management of the collections budget, preparing analyses, projections, and other reports as required; and shares overall responsibility for maintenance of the serials review database, preparing reports, etc. Serves as a permanent member of the Networked Services Team.

DUTIES AND RESPONSIBILITIES:

Acquisitions and Collection Development

1. Participates in the management and documentation of workflow for ordering, receipt, and payment of serial and monographic purchases, with particular responsibility for establishing licensed access to networked digital information. Works in close collaboration with the Networked Services Librarian on issues related to networked digital information.
2. Authorizes and prepares networked-service invoices for payment. Coordinates procedures with the coordinators for monograph and serial acquisitions to assure consistent, accurate, and timely processing.
3. Reviews licenses for electronic information for conformity to established library guidelines and maintains central files, consulting with the Area Head for Collections Services, the Networked Services Librarian, and other staff as appropriate.
4. Serves as a permanent member of the cross-area Networked Services Team.
5. Interacts with information and materials vendors to determine and (within established limits) negotiate prices and licensing terms.
6. Maintains awareness of developing contractual standards in the library and publishing communities for licensed access to networked digital information, and shares information with appropriate staff.
7. Maintains awareness of current developments among vendors in the provision of information and collection management services, and shares information with appropriate staff.
8. Participates in the monitoring of the Library's fund-management systems for collections. This may include preparing reports and presentations of budget expenditures and projections. As part of this activity, bears primary responsibility for coordinating and maintaining a database of current serial commitments and prices.
9. Gathers data on University programs, registration, enrollments by subject, major, research grants, dissertations approved, faculty research, etc., and organizes this data for the benefit of bibliographers and library liaisons.
10. Participates in the ongoing evaluation and revision of the acquisitions program to meet the strategic goals of the library and the university. This may include developing measures for the effectiveness of the program, and setting specific goals for achieving improvements.

Area Development

1. Participates in Area and team meetings, and in the development and implementation of team and Area policies and procedures.
2. May serve as coordinator for one or more self-managing teams on a rotating basis.
3. May serve as a team leader for a project team.

Liaison and Direct Public Service

1. May serve up to three hours weekly at a library reference or information desk, provide instruction in the use of library catalogs or other bibliographic tools, or participate in a staff-sharing program outside the Area.

Professional Service and Development

1. Maintains current awareness of trends in library science through one or more of the following: professional reading, membership in professional organizations, attendance at professional conferences and workshops, and independent research/writing.
2. Participates in appropriate Library, University, and professional programs to enhance and develop work-related skills.
3. All professional staff are expected to participate actively in the general programs of the library, to contribute to the life of the university, and to participate in appropriate professional activities.

QUALIFICATIONS:

Required

1. ALA-accredited MLS and at least one year of experience with an integrated automated acquisitions and/or serials management system.
2. Ability to organize work independently, to exercise individual initiative, to be flexible in a dynamic work setting of shifting priorities, and to function in a team-based environment.
3. Ability to work in a continuously evolving automated environment and to keep current with standard practices, procedures, and policies.
4. Good knowledge of WWW concepts and tools; experience with HTML authoring and editing tools.
5. Well developed analytical and problem-solving skills.
6. Well developed written and oral communication skills.
7. Experience with standard microcomputer office applications, including word processing and database and spreadsheet software.
8. Strong interpersonal skills and an ability to work successfully with faculty, staff, students, and the general public.

Preferred

1. A second masters degree or PhD
2. Work experience in an academic library or in the information industry
3. Experience with the NOTIS library management system

UNIVERSITY OF MINNESOTA

Twin Cities

University Libraries

Placing Orders for Networked Electronic Resources That Involve Licensing Agreements

Procedures for Selectors

Revised April 21, 1999

These procedures are intended for selectors who initiate registration for or subscriptions to ***any*** networked electronic resources -- those that are free and those that we pay for.

If more than one title is available from the vendor/publisher (e.g, 35 journals from Oxford University Press) ***and*** the titles are multidisciplinary, please consult with the appropriate subject selectors and notify your CDM coordinator to ensure that all interested parties are aware of the pending subscription.

Please note that before an order is placed, University policy requires that all contracts and agreements be reviewed by University Counsel and signed by a university administrator authorized (by the Regents) to do so. To facilitate this process, selectors must work with their CDM Subject Coordinators and with Peggy Johnson, Licensing Coordinator, following the procedures below.

Also available:
Procedures for Acquisitions Staff in ordering networked electronic resources
DSAC Procedures for Selecting and Providing Access to Networked Electronic Resources

Selectors:

1. Contact Jon Nichols if you have technical questions about setting up access to electronic resources (feasibility, space needed, compatibility, etc.).

2. Print an order Template, complete it, and give a copy to your serials processor so that s/he may create a decision record online. A searchable list of selectors, funds and processors is available on the CDM web site (user id: funds; password: 29yyy50).

3. Obtain a copy of the licensing agreement (either by downloading/printing from a web site or contacting the publisher directly).

Note: If the publisher states that there is ***no*** licensing agreement, notify Peggy Johnson, Licensing Coordinator, of this fact. Complete Step 6, Step 7, and Step 9 and send the order template and Exhibits A and B to your serials processor so that the order/registration may be placed. Proceed to Step 14, Step 15, and Step 16.

4. Contact Peggy Johnson, Licensing Coordinator, to determine whether a licensing agreement for this publisher is already on file.

- If an agreement ***is*** on file, complete Step 6, Step 7, and Step 9 and send Exhibits A and B to your serials processor so that the order may be placed. Proceed to Step 14, Step 15, and Step 16.

- If ***no*** agreement is on file, proceed to Step 5.

5. Read the licensing agreement and note any problematic clauses or restrictions (e.g., on-site access restricted to students, staff and faculty only).
   - Refer to the document entitled Standardized Agreement Language approved by the CIC Center for Library Initiatives; it provides standard language for use in electronic resource contracts and licenses.
   - Consult the LibLicense web site, which provides a very useful overview of licensing terms and examples of language that may need amendment.

6. Notify your CDM Subject Coordinator of your intent to subscribe. Discuss license, access requirements, technical support, etc., as needed.

In addition, if multiple titles are available from this publisher ***and*** they are multidisciplinary, please consult with the appropriate subject selectors to ensure that all interested parties are aware of the pending subscription. Communication is essential.

7. Print and complete Exhibit A, which includes:
   - Billing address (generally the serials processor's address)
   - Library contact who is to be notified when the resource becomes available (generally the selector who initiates the subscription)
   - Network/System contact (Jon Nichols)

8. Initial Exhibit A next to your name to signify that you have read the licensing agreement and accept responsibility for its content (selectors must be aware of any restrictions, etc., once the agreement is finalized and submitted to the publisher).

9. Contact Mary Gibney for a list of valid IP addresses. Specify who will have access to the resource so that she may give you the correct list (also see Step 16 below). Label this list of IP addresses as Exhibit B and date it. (Before submitting the order, serial processors will contact Mary Gibney to determine whether the IP list has been updated since the date on Exhibit B.)

10. Send Peggy Johnson a copy of the order template, a clean copy of the licensing agreement, and Exhibits A and B. Review the agreement with Peggy, in person or on the telephone. Discuss any potential problems and the need for modifications or amendments.

11. Peggy will consult with University Counsel to review the agreement. If Counsel recommends changes, Peggy will contact the selector to arrange discussions with the publisher/vendor.

12. Once the agreement is finalized, Peggy will secure an authorized signature on the license agreement and forward all documents to the serials processor so that s/he may initiate the order.

13. Peggy will notify the selector and the Library Business Office that the subscription is being placed and will send each person a copy of the final agreement.

14. Notify your processor once you receive confirmation from the publisher that the resource is available. S/he will ensure that the MNCAT order record is updated and will notify Cataloging that a complete bibliographic record is needed.

Provide your processor with any new and essential information, such as a required UserID

and Password, access restrictions, etc.

15. If appropriate, add the resource to the Libraries Website. Guidelines for submitting additions and corrections, as well as a list of staff responsible for updating all sections of the Website, are available in the document Libraries Website Responsibilities. Please be certain to follow the guidelines.

16. Send Mary Gibney the following information. She will notify all publishers/vendors of future changes in IP addresses (see http://www.lib.umn.edu/as/ip.html for procedures).

- Title of the resource
- Vendor of the resource
- Definition of who has access to the resource: Usually, this is either Twin Cities students, staff, and faculty; or students, staff, and faculty from all University campuses. If the resource is limited to specific Library terminals, those IP addresses should be provided.
- Name, phone number, and e-mail address for publisher/vendor contact person

Go to: Procedures for Acquisitions Staff

Return to the University Libraries CDM Site

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Comments: j-jagu@tc.umn.edu
URL: http://www.lib.umn.edu/cdm/documents/ejproc.html
Updated: 4/21/99

The University of Minnesota is an equal opportunity educator and employer.

http://www.lib.umn.edu/cdm/documents/Dsac3.html

Procedures For

Selecting and Providing Access to Networked Electronic Resources

I. Purpose and Audience

The purpose of this document is to provide the infrastructure for making decisions about choice and means of access to networked electronic resources (ER). Directed to all Libraries staff members who participate in the selection of electronic resources, it is designed to:

- meet a wide spectrum of user needs by adopting a system-wide approach to decision making,
- integrate selection of electronic resources with other collection development activities, and
- promote accountability for decision-making.

II. Description of Resources Covered by these Procedures

This document covers resources that meet the following criteria. The resource will be:

- accessible through the LUMINA gateway (i.e., on a local or remote network), and
- purchased, rented, leased, or licensed via the expenditure of funds.

As a general rule, this document does not cover:

- staff tools,
- general purpose software,
- courseware, and
- remote resources for which there are no subscription charges and for which there are pointers on Libraries WWW pages.

III. Responsibilities for ER Selection Decisions

Selectors are responsible for:

- selecting all ER that are purchased with individual subject funds;
- recommending ER to CDM that might need subsidized funding;
- recommending ER to DSAC that might be purchased with off-the-top funding (all such recommendations should be endorsed by the Collection Development and Management (CDM) Team before coming to Data Services Advisory Committee (DSAC));
- providing information on which the CDM Team can base its recommendations;
- reviewing licenses and contracts for materials they select;
- meeting with a designated member of the Automated Systems (AS) Team to discuss implementation/access issues related to selected ER;
- if AS Team determines that existing staff, hardware, or software resources are inadequate to support implementation, then the selector submits the proposed ER and analysis of potential costs to DSAC.

DSAC is responsible for:

- reviewing selector recommendations for off-the top funding in light of system-wide needs and impact,
- recommending to LLC (Library Leadership Council) which ER should be funded off-the-top (through periodic review)
- recommending to LLC what means of access will be provided, and
- recommending to LLC implementation priorities.

LLC is responsible for:

- making final selection decisions,

- setting priorities for implementation,
- allocating funds for resources paid for off-the-top of the materials budget and ensuring that adequate staffing, hardware, and software are provided for all aspects of implementation.

The Libraries Automated Systems Team is responsible for:

- coordinating implementation work in cooperation with computer center staff, staff in other library units, the Web team, and vendor staff as appropriate, and
- advising selectors on potential costs of implementing an ER when implementation will require resources in excess of those available.

IV. Budget Structure and Allocation Procedures

The funding for ER comes either off the top of the materials budget (for very general resources) or from individual subject fund lines. Individual selectors or selectors within a more broad subject area (for example, Science and Engineering) may combine money from various individual subject funds to purchase an ER. When at all possible, the management of budgets for ER should be in the hands of selectors to foster selection and budget accountability.

V. Relationship to Other Libraries Policies and Programs

Services and operations in many areas of the Libraries are part of maintaining, accessing, and servicing ER. The following are provided as references.

Selection of ER is the responsibility of the CDM Team, guided by the *Libraries Selection Policy* and existing subject collection development policies.

Procedures for the acquisition of ER are the responsibility of the Materials Acquisition and Control (MAC) Team in consultation with the CDM Team and Library Accounting.

Procedures for intellectual access to ER are the responsibility of the MAC Team (for MNCAT records) and the Reference and Consultation Services (RCS) Team (for the Libraries Web page and interface), in consultation with the CDM Team.

Coordinating and final review of ER contracts and licenses are the responsibility of the Assistant University Librarian.

VI. Review and Revision of the Policy

This policy is drafted by DSAC and endorsed by LLC on May 27, 1998.

DSAC will review the policy as necessary and recommend revisions to LLC for approval.

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Page comments to: CDM Web Team
Last revision: 06/12/98
URL: http://www.lib.umn.edu/cdm/documents/Dsac3.html
The University of Minnesota is an equal opportunity educator and employer

University of Connecticut Libraries - Licensing guidelines

Introduction

Unlike traditional acquisition of paper-based information products, acquisition of electronic services typically involves negotiating and signing a license with the information provider. The Library's authorized signature thus legally binds the university to a contract with the provider. The provider's proposed terms are frequently disadvantageous to the library's long-term interests and to the interests of the scholarly community that the library serves; and nationally it has become common practice for institutional customers to negotiate alternative contractual language.

Centralized Review

The Acquisitions team, in consultation with NST, has defined a centralized workflow for electronic product acquisition. All acquisitions of electronic products by all library units should follow these procedures. (see workflow document at : data//csall/teams&wk//acqwg//workflow//elect.doc). Centralization helps to ensure compliance with our established guidelines, consistency in the licenses we sign, and accountability of staff.

Coverage:
The materials that this process incorporates are individual electronic journals, networked and stand-alone CD-ROMs, networked databases mounted locally or remotely, and other electronic purchases. These materials may be free or paid for on individual subject or Networked Services funds. The workflow does not include software purchases.

The Procedure:
The workflow specifies that, before an electronic acquisition is considered complete (before an order is placed and an invoice accepted), a formal review of the license will be conducted by the Acquisitions Librarian, who will revise it according to the library's guidelines and return the revisions to the vendor.

Once a satisfactory contract has been negotiated, the contract will be signed by the library's authorized signer. *Unless a satisfactory contract is negotiated, acquisition of the product will be cancelled.*

A form through which selectors may order electronic products is at:

data//liaison//cdev//eordform.doc
or
data//networkt//forms//eordform.doc

Signature Authority

When we sign a license, we bind the University into a legal obligation. Leadership Council has designated the Head of Collections Services and in his absence, the Head of Reference and Information Services to be our official signatures.

Principles for Licensing Electronic Resources.

The ARL guidelines are a set of principles that have been endorsed by all of the major library organizations, and outline in general terms what a license should contain. These principles are aimed at the library world as a whole, and are not specific to any one institution. We will follow these principles as general guidelines. See data //liaison//cdev//license//arlprinc for the complete listing of the principles.

Specific Library guidelines

The following points are included in almost every license; moreover, they are most likely to be disputed by our vendors. We have examined these areas, and have drawn up a set of tenets specific to our institution to follow in negotiation. *Leadership Council has endorsed the right to cancel the acquisition of a product if our conditions are not met.*

Authorized Users : This is our preferred authorized user definition. At a minimum, our authorized users current faculty, staff and students.

> Authorized users of the University of Connecticut Libraries are the following groups: 1) persons officially registered as full or part-time students of the University of Connecticut in both degree and non-degree programs; the University of Connecticut faculty (including emeritus faculty), and other members of the teaching staff; administrators; and employed staff; 2) authorized affiliates, e.g. affiliated or visiting scholars or researchers, outreach programs, intern programs, etc.; 3) other individual authorized users sponsored by University of Connecticut faculty or staff for guest accounts in order to complete academic or administrative work; 4) any of the groups above at any location in the world, with appropriate authentication; 5) all onsite users within the University of Connecticut Libraries, campus, or University.
>
> The University of Connecticut Libraries is defined as the main campus library in Storrs, the five regional campus libraries, the School of Law Library and the Medical Center Library.

> Onsite users on any of these eight campuses are within the University of Connecticut.
>
> The definition of UConn with FTE counts would then follow.
> 2 for the complete FTE counts by campus.

Any product must meet our minimum definition of authorized users (current faculty, staff, and students). Products that do not meet this definition, but are considered to be essential, or of great benefit to the majority of our users, must be reviewed by Leadership Council.

•*UCL as a Single Site for Licensing Purposes:* It is our position that the University of Connecticut is a single site and that geographic definitions (which treat us as multiple sites) are unacceptable. Our minimum definition of site must treat Storrs and the five Regional Campuses as a single site. See data//liaison//cdev//license//uconnsit.doc for a fuller statement of our position, as well as an institutional profile. This document may be provided to vendors.

- *Acceptable Use:* How the material may and may not be used is at the heart of the agreement. Licensors will try to restrict how the product may be used. Fair Use provisions granted under Copyright Law are not guaranteed. These rights may be modified by a fairly negotiated contract. If a contract expressively mentions fair use, or is silent on it, fair use will apply. However, if we agree to limitations on copying that are more restrictive then what is permitted under the law, we cannot later claim broader rights.

Fair Use (User rights under US Code Section 107): We add the following clause to every contract we negotiate:

> Notwithstanding anything to the contrary in this Agreement, no term or provision of this contract shall be interpreted to limit or restrict the "fair use" rights of the Customer provided by statute in 17 U.S.C. sections 107 and 504.

Library rights (under section 108) : We will seek explicit rights to use electronic products or services for the following purposes, but they are not deal breakers.

1. Interlibrary Loan
2. Electronic Course Reserves
3. Distance Learning

- *Liability and Indemnification*: Liability and indemnification clauses are found in every contract. The Licensor will ask us to assume responsibility for our users' actions or infringements of the contract, or even if the product itself infringes on a third party's intellectual property rights.

We will not accept language that holds the library or university liable for the actions of our users. These are examples of our preferred language:

> The Subscriber will exercise reasonable, good faith efforts to inform Authorized Users of the restrictions on use of the licensed material and to enforce such restrictions ; however, the Subscriber shall not be liable for the actions of individual users who act without the knowledge or consent of the Subscriber.
>
> Licensor shall defend, indemnify and hold Licensee harmless against any and all claims, including claims by Licensee's customers, based on infringement of copyright, patent, trade secret, trademark, libel, slander, or invasion of privacy, arising from any use of the Database.

- *Confidentiality* : Confidentiality or non-disclosure clauses prohibit discussing the licensing terms with any other parties.

We will strive to strike any confidentiality clauses. At a minimum, as a public institution, we must add in the phrase "except when required by law."

ISI Web of Science Usage Guidelines

The ISI Web of Science database provides access to the Science Citation Index Expanded, Social Sciences Citation Index and Arts & Humanities Citation Index. Use is governed by a License Agreement between the University of Washington and ISI which includes the following provisions:

You may: print or download full or partial results of searches for your personal or internal (UW) use.

You may not:

- use search results for purposes of publication or commercial use, or resale outside the University of Washington
- use search results to create subsets or derivative databases, except for personal or internal (UW) use
- distribute data retrieved from the Database in any form (printed, electronically relayed, posted to public list services or bulletin boards, or magnetically stored) to, or for the benefit, of anyone who is not a UW user, except for incidental samples used for illustrative or demonstration purposes
- reverse assemble, reverse compile, alter, or translate the Database or any portion thereof.

You must: give proper attribution for any data extracted from the Database as follows:

"The above data are extracted from the Science Citation Index Expanded, Social Sciences Index, and Arts & Humanities Citation Index Databases of the Institute for Scientific Information, Inc., ISI, Philadelphia, Pennsylvania, USA, Copyright 1990-"

Failure to comply with these provisions may cause UW access to the ISI databases to be discontinued by the publisher.

Log on to ISI Web of Science Databases.

To provide feedback, e-mail your comments or questions to: libquest@u.washington.edu

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Last updated: 11/3/98

http://www.lib.washington.edu/databases/LexisNexis/

Lexis-Nexis Academic UNIVerse

Lexis-Nexis UNIVerse provides an intuitive, user-friendly interface to the contents of the Lexis-Nexis database system, including an extensive array of full-text news, business and legal resources. No training or passwords are required, and there are no concurrent user limits.

License Restrictions. The subscription agreement for this database states that it may be used only by students enrolled in a UW degree program, by active UW instructors and faculty, or by active UW administrative or research staff, and that it may not be used for commercial purposes.

- Yes, I am an Authorized User. Connect me to Lexis-Nexis.
- Further information about Lexis-Nexis Academic UNIVerse (Alphabetical source list only at this time, plus a list of additional, forthcoming source lists by category/search, etc.)

(If you are an authorized user and need access to Lexis-Nexis through the older, conventional interface, contact a librarian at Foster Business Library, Suzzallo Reference or Bothell Campus Library. This access is restricted, and requires completion of a training class.)

To provide feedback, e-mail your comments or questions to: libquest@u.washington.edu

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Last updated: 4/6/98

CONTRACT REVIEW FORM

Exhibit C.

The employee initiating the contract should complete the appropriate sections of this form, and send it with the contract to the appropriate contract review officer for processing (see reverse side for the location of contract review officers). To the extent the initiating employee does not understand the proposed contract, or is uncomfortable with any of its provisions, he or she should note that information on the Contract Review Form or attach an explanatory memo.

Certificate of University Employee Initiating Contract

Parties to the Contract: _____

Date: _____

Short Description: _____

_____

Contract Term: _____ Amount: _____

Except as indicated in any attached memorandum: I have read this contract entirely, understand all its provisions, believe that it meets programmatic and UNM mission requirements, believe that it represents a good deal for the University, and take responsibility for complying with the terms of the contract. The document is internally consistent and clear. I am also satisfied with the description of the University's obligations and with its description of the goods and services to be provided to the University. Any risk management concerns have been reasonably addressed. A memorandum _____ is _____ is not attached. To the extent the contract requires an outlay of funds, the funds are available. I either have the authority to obligate the funds or have attached approval from someone who does.

Compliance with this contract will require the cooperation of, or otherwise impact on, the following departments or positions:

_____

_____

_____ _____ _____

Date Signature Position

Dean (Academic) or Director (Staff) Certificate (if above party is not a Dean or Director)

I concur with the above certification.

_____ _____

Date Signature

Contract Review Officer Review

I have reviewed this contract and it does not contain any legally prohibited provisions, includes all legally or administratively required provisions, is basically consistent and clear, and is not otherwise objectionable on legal or administrative grounds, to the best of my knowledge and abilities. I have indicated below any other reviews necessary prior to execution of this contract.

_____ _____ _____

Date Signature Position

☐ **Recommend Additional Review (See reverse side)**

CONTRACT REVIEW FORM

Exhibit C. page 2

☐ **By: Controller**

The contract is reviewed to ensure it complies with generally accepted accounting principles; will not result in unallowable expenditures under federal and state regulations or University policy; and is not otherwise unallowable with respect to fund group, account number, or other existing Controller's or Budget expenditure or receipt requirements.

Review Performed By: _____ _____
Signature Date

Comments: _____

_____

Other Reviews Recommended:

☐ By: _____ For: _____

Review Performed By: _____ _____
Signature Date

Comments: _____

_____

☐ By: _____ For: _____

Review Performed By: _____ _____
Signature Date

Comments: _____

_____

☐ By: _____ For: _____

Review Performed By: _____ _____
Signature Date

Comments: _____

_____

Contract review officers for each area of specialty within the University are listed below. If in doubt, the initiating employee may send the contract to any of the contract review officers listed below.

Location	Types of Contracts Reviewed
Purchasing	Contracts for the purchase of goods/services
Office of Research Services	Sponsored project contracts for main campus
Faculty Contracts Office	Faculty contracts
University Counsel's Office	All contracts
Health Sciences Center Counsel's Office/Risk Management Office	All Health Sciences Center contracts

BEST COPY AVAILABLE

UNIVERSITY OF NEW MEXICO

ELECTRONIC RESOURCES PROCESSING INSTRUCTIONS

From: _____ Date: _____

Title: _____ Publisher _____

Publisher Contact (if known): _____ Phone: _____

Trial subscription: _____ If so, how long? _____ Prepayment Required: _____

Cost (ie: free, no cost with printed material, or dollar amount): _____

ISSN/ISBN: _____ Location: _____ Fund: _____

If we have this in another format, please specify additional format(s): _____

Are they : Current _____ Canceled _____

Licensing Checklist attached to order: Yes: _____ No _____

Licensing Agreement:

Attached to order: _____ Requested from publisher/vendor: _____

Date requested: _____ By whom: _____

User access options: Single user: _____ Multiple users: _____ If multiple, specify number of users: ____

Usage restrictions if any (ie UNM community only, etc.) _____

If required , LOG IN: _____ Password: _____

Contact person:

Name: _____

Address: _____

_____

Phone: _____ E-mail : _____

Note: Selector or Contact person, please notify Collection Development, Library Technology Development, and Acquisitions/Serials of any future information on this title.

Collection Development	Library Technology Development	Acquisitions / Serials	Cataloging
● Licensing Agreement Reviewed by Contract Reviewers: Linda Lewis or Fran Wilkinson or Steve Rollins Yes _____ No _____	● Access through: _____ _____ _____	● Billing Contact: Name: _____ Address: _____ _____ _____ Phone: _____ E-mail: _____	● URL: Yes _____ No _____ If yes, please provide (print clearly, type or attach print out): _____ _____ _____ _____ _____ _____ _____ _____
● Special Archiving Instructions: _____ _____ _____	● Requires new software and/or hardware: _____ _____	● Accompanying Materials No _____ Yes _____ If yes, special physical processing: _____ _____ _____	
● Required Signature of Collection Development Officer: _____ (signature)	● Contact assigned to this order: _____ _____ ● Required Signature of LTD Director: _____ (signature)	● Licensing Agreement sent to Acquisitions /Serials Department Director: Yes _____ No _____	

The Ohio State University Libraries
Electronic Products Checklist

An Electronic Products Checklist (EPC) must be submitted with a traditional MRF or printouts of an ORT from FELIX. Orders for electronic products will not be processed until an EPC is received.

Please provide as much of the following information as is readily available. CAD will confirm and investigate all information provided. If you have questions while completing this form, please e-mail or call Teri Hagerman or Trisha Davis for assistance at libejrnl@lists.acs.ohio-state.edu or 2-6314. Thank you.

Product Title:

Author/Producer:

Format: (Circle one) CD stand-alone CD networked WWW access Online service

Is this a collection for which individual titles will be cataloged? (Circle one) No Yes

Comes-with or Includes:

Do we own print version? (Circle one) No Yes in _____ [loc]

WWW address:

Please attach flyers, announcements, samples of product's home page, copies of marketing , prdouct or sales information as available.

Vendor Name:

Address:

Contact Person:

Phone:

Fax:

Order Information: (Circle one) Unit Contin

Fund:

Loc:

Price:

If networked, no. of users:

Please include a copy of any license, registration form, or user agreement statement as available.

Requestor Information:

Requestor name:

Coll. Mgr. initials:

Date:

Send completed form to Gay Dannelly, 106 Main Library, for approval.

SYSTEMS CHECKLIST—(Draft 7/9/98)

Functionality

_____Ability to customize locally?
_____Interacts or can be made to interact with overarching metainterfaces?
_____Uses telnet/www clients?
_____Frequency of updates?
_____Ease of security, virus control, etc.?
_____Does needed hardware exist locally?
_____Memory and hard disk space needed for optimal performance.
_____Technical expertise needed for software installation and maintenance?
_____Do data formats follow industry standards?
_____Does vendor provide technical support?
_____If vendor supplies analytics, whether format is standard and a loader easily created.

Platforms supported

Client software required

Network supported

File size

Search interface

User documentation, technical support?

System requirements

SELECTOR CHECKLIST—(Draft 7/27/98)

Name of Product:

Contact Information:

Collection Development Considerations
What subject/s does product cover?_____

_____Subject/s covered wholly or in part by other electronic services we already subscribe to?

_____Recommendation by faculty, students or staff?

_____Full text? _____A&I? _____Numeric? _____Other?

_____If UW subscribes to print version, could it be canceled?

_____Timeliness and frequency of updates?

_____Will years of coverage grow with time or do years roll off?

_____Do we currently subscribe to other products from this vendor?

_____If it's an aggregate product like NEXIS or UMI, how stable do you think it is?

_____Are there specific value-added features you think are especially important?

_____Have other system subject selectors been consulted? If yes, please list below:

Principles & Guidelines

Access
Indicate below the widest mode of access you anticipate needing. Choices range from single machine to system wide access (Seattle-Bothell-Tacoma-remote UW educational sites and clinics of the UWMC). Also indicate if access available and how it can be available for the Bothell, Seattle, and Tacoma campuses, should that not be your choice.

Archiving
_____Will the library need archival rights to this material?

_____Are archives and backfiles available?

Format and Functionality

Does the license cover the uses UW faculty, students and staff, as appropriate, will expect to make of the software or database information? Choices range from software for internal use only to display, transmit, download and print for personal use

_____Both beginning and advanced searching levels?
_____Interface easy to use?

_____Screen layout clear, well-organized?
_____Ease of movement from list to single record to full text and back?
_____More than one display option?
_____Sort options?
_____Links to other files and databases enabled?

_____Is article format text only?
_____If an image file (PDF) are page images legible?
_____Do page images retain attributes of original document

_____Are there boolean search capabilities?
_____Are there proximity search capabilities?
_____Able to search either basic index or specific fields?
_____Browsable indices?
_____Able to combine searches?
_____Able to modify previous searches?
_____Able to truncate?
_____Able to limit by language, etc.,
_____Able to carry search from one database to another, or do multifile searching?
_____Able to save and re-run searches?

_____Deliver results via email?
_____Able to download results?
_____Able to print results?
_____Able to interact with citation managers (for example, Endnote)?
_____ What is required if we want to enhance or reformat data to make it more visible or convenient for users (e.g., providing links to other holdings, or annotation for use within the UW Libraries' community?

_____Is response time acceptable?
_____Is an online thesaurus available?
_____Are source lists for titles included, including years of coverage?
_____Are there context sensitive help screens?
_____Printed documentation available?
_____Online tutorials?

_____Any special viewer required?
_____Any other software needed?
_____Is service able to collect and generate usage statistics?

Measurement
_____Does vendor supply use data?

Pricing
Include any price information you have. If product has a print counterpart, include pricing for that, too.

What is proposed source of funding?

NEGOTIATOR CHECKLIST—(Draft 7/27/98)

Name of Product or Service:

Contact Information:

General Considerations

_____Is vendor reliable?
_____Is there a trial period?
_____Does vendor provide training and documentation?
_____Are terms of license clearly stated?

Principles & Guidelines

Access

_____Does the license grant cover your expected modes of access?
_____What are the access requirements, (IPs, passwords, both, neither, certificates)?
_____How is remote access handled?
_____Is access available for the Bothell, Seattle, Tacoma campuses, remote UW Educational sites, and clinics of the Academic UW Medical Center?
_____Can product be adapted for ADA access?

Archiving

What perpetual rights are granted?_____

_____Is the Libraries acquiring permanent rights or access only for a defined period of time?

Authorized users and authentication

_____What kind of authentication, IP, password, etc. is allowed
_____Are all UW "authorized users" eligible under license agreement?
_____What statements must be presented and when to warn of unauthorized use?

Confidentiality

_____Does the license agreement require the Customer to enforce its provisions against third parties, or otherwise try to affect the rights of third parties?

Indicate below any provisions affecting third party rights:

_____Agreement requires Customer to take responsibility for the actions of people who may use the software or database, but are not parties to the agreement, for example, students.
_____Agreement purports to restrict or limit the fair use rights (or other rights) of persons, like students, who are not parties to the agreement.
_____Agreement provides that Customer will ensure adherence to the terms of the contract by employees or third parties such as students (very commonly included in confidentiality provisions).
_____Other provisions that may affect third party rights?

Content and format
Indicate below whether an extenuating circumstance applies.
Beta test software
Free software
Steeply discounted software
Nonprofit vendor
Database information from the public domain

Fair use
_____Are use restrictions acceptable, other license terms acceptable?
_____Are ILLs permitted?
_____Is document delivery permitted?
_____Can articles be incorporated in ereserves pages?
_____Mediated and/or fee-based searching allowable?

Functionality
_____Does licenser warrant workability of the product?
_____Technical support or backup options in case of system failure?
_____Printing capability?
_____Downloading capability?
_____Emailing capability?
_____Integratibility with other products/databases? For example, bibliographic citation software. What is required if we want to enhance or reformat data to make it more visible or convenient for users (e.g., providing links to other holdings, or annotation for use within the UW Libraries' community?

_____Can the full-text be linked to Libraries' catalog and A&I products?
_____Ability to collect usage statistics?

Liability and Indemnification
_____Does the agreement include any provision that requires the Customer to indemnify the Vendor?
_____Washington State jurisdiction?

Indicate below any provisions that require the Customer to indemnify the Vendor.
_____Agreement requires Customer to indemnify Vendor against harms that could result from Customer's use of data.
_____Agreement requires Customer to indemnify Vendor against harms resulting from some other cause (any cause).

_____Does the agreement include an indemnity from the Vendor that its materials will not infringe the intellectual property rights of third parties? (An intellectual property indemnity will usually be in a form similar to the following, though it may be much more detailed: Vendor will defend, indemnify and hold Customer harmless from any action based on a claim that Customer's use of the Database in accordance with this agreement, infringes any patent, copyright, or trade secrets of any third party.)

_____The agreement contains an indemnity from the Vendor regarding intellectual property claims.

Indicate below whether the agreement includes any of the following provisions:
_____A clause that requires the Customer to bring suit for claims under the agreement within a limited period of time (this is called a shortened statute of limitations).
_____A clause that makes another state's law govern or control the contract.
_____A clause that gives the Vendor a right to terminate without providing Customer any rights to
terminate.
_____A clause that provides for automatic renewal of the agreement or that requires Customer to
notify Vendor shortly before the end of the contract term in order to renew.

Measurement
_____Does vendor provide usage data?
_____Any user feedback on product or service?

Pricing
_____Additional costs for upgrades?
_____Bundled resources—if the source is also available as part of larger package, are there economies in subscribing to a package deal?
_____Backfiles—one time cost or ongoing?
_____Consortial pricing available?

Price rationale and affordability (what's acceptable percent markup?)

Initial pricing: single-station, networked, multi-user, update costs, purchase or lease
_____Fund code/budget assignment
_____Shared costs?

Terms agreed upon
Date finalized:

Terms:

Access method:

Negotiated price:

ELECTRONIC MATERIALS FORM (Complete this Form in as Much Detail as Possible)
Is this an **ORDER** or a **TRIAL** (circle)

Product name: _____

Vendor: _____

Vendor Address : __

Vendor Phone Number: Vendor Fax Number :

Vendor Contact : e-mail :

Single User Price: Multiple User Price: __

Number of simultaneous users:

If product presently owned : requesting migrate from single user workstation to network access : Yes ☐ No ☐

Mode of distribution : CD-LAN ☐ Network access ☐ Web ☐
Other : (specify) :

Equipment/platform needed :

Is there a print version of the product? (give name and holding location(s)) in system_:

Is the print being replaced by the product?

Liaison requesting

Names of evaluators (trials only) :

Notify on receipt (faculty) : Dept. :
Email:_____

Fund information : NST Funded ☐ Dept. Funded (specify fund)

Additional comments / trial justification :

**********Acquisitions Use Only**********
NOTIS # Final Price : Fund code : Renewal date :

Date received : Deadline :

License edited : License sent to vendor :

License approved and signed : Statistics :

Network Services Team
Product Evaluation

Date:_____
Product Name:_____
Evaluator:_____

1. Type of Product

Full Text_____
Bibliographic (Citation & Abstracts)___
Other (specify)_____

2. Audience

Undergraduate_____
Graduate _____
Departments _____
_____

3. Search and retrieval interface:

Friendly_____
Attractive_____
Self explanatory_____

Additional Comments:_____
_____
_____

4. Features for searching & retrieval easily found on screen and record display screens

Yes____ No____

Additional Comments:_____
_____
_____

5. Search strategy options available: boolean

_____
_____
_____

6. Support of searching using

logic
And___ Truncation___
Or ____ Wildcards ____
Not___ Adjacency___

7. Online help system: product:

Helpful_____
Context sensitive_____
Searchable_____

8. Ease of navigation around

_____
_____
_____

9. Do menus load quickly? available?

Yes___ No____

Comments:_____
_____

10. Are audio and video clips

Yes___ No____

Comments:_____
_____

11. How often is product updated?

Yes___ No ___

Comments:_____
_____

12. Is product archived?

Yes___ No____

Comments:_____
_____

13. Are there links to other electronic information

Yes___ No____

Comments _____

14. Treatment of links to other electronic information:

_____
_____
_____

15. Print equvivalent:

16. Other forms of access

Name _____ CD-ROM_____
Cost _____ On-line_____
Does UCL subscribe?_____ Other (specify)_____
Does UCL own?_____ Cost of alternative access_____
Is print product being replaced by electronic product
Yes ___ No ___

17. What do you like most about the product you are reviewing?

_____

_____

_____

18. What do you like least about the product you are review?

_____

_____

_____

19. Final recommendation: Purchase? Yes___ No____

Additional comments:_____

_____

_____

http://www.lib.umn.edu/cdm/documents/template.html

Template for Creating a Decision/Order Record for Networked Electronic Resources That Involve Licensing Agreements

Selector's name:
E-mail address:
Phone number:

Serial Processor's name:
E-mail address:
Phone number:

Title for the MnCat *order* record:
(e.g., Oxford University Press Online Journals, ARQ1240, if a collection of titles)

Name of Publisher/Vendor/Supplier:

Status of license agreement:
_____ No license agreement exists; please process order (no signature needed)
_____ License agreement is currently under review
_____ License agreement is already on file; please process order (no signature needed)

Note: If a license agreement is required, LBO cannot process payment *until* it is signed and on file with Peggy Johnson.

Type of Electronic Resource:
_____ Electronic Journal
_____ Online database/index

Trial only?:
_____ No
_____ Yes (specify length/dates of trial):

Pricing (check one):
_____ Individual subscription price (*not* based on a subscription in another format)
_____ Additional fee based on subscription in another format
_____ Free with print subscription
_____ Completely free of charge

Primary URL for Title(s) and More Information:

Titles (attach additional sheet or printout if more convenient; if more than 10 refer to URL):

58

For each title listed above, provide the following:

1. Beginning volume number and date of coverage for online access
2. Fund code
3. Price (if applicable)

Does the library own title(s) in other formats?:

_____ No
_____ Yes (Add LUMINA ID Number for each title listed above)

If Yes, for the other format(s):

_____ Continue the subscription
_____ Cancel the subscription
_____ Subscription will cease and be replaced by the networked electronic format

Authorized Access (check as many as apply):
Note: If authorized access changes after the license is negotiated, please notify your selector.

_____ University Library terminals only
(specify if limited to particular libraries and/or IP addresses):
_____ All University of Minnesota--Twin Cities Campus computers (faculty, staff and students)
_____ Remote access for University of Minnesota faculty, staff and students
_____ Members of the walk-in public from University Library terminals
_____ University of Minnesota Coordinate Campuses (specify): Duluth Morris Crookston
_____ Other restrictions/instructions:

Form of Access:

_____ Remote access through the Web
_____ Locally mounted (specify platform):
_____ Other (please describe):
(E.g., Beilstein requires that proprietary software be loaded on each machine)

Data Is (required by the Library Business Office):

_____ Owned (retained if subscription is cancelled, a capital expenditure)
_____ Leased (data/access is lost if subscription is cancelled, a non-capital expenditure)

Part of a Consortial Agreement?:

_____ No
_____ Yes (please specify CIC, Minitex, etc.):

Subscription start date(if known):

Any additional notes or comments:

Please send form to your serials processor

Comments to: Janice Jaguszewski
URL: *http://www.lib.umn.edu/cdm/documents/template.html*
Last Update: 9/18/98

UNIVERSITY of PENNSYLVANIA

University Libraries
Van Pelt-Dietrich Library Center
3420 Walnut Street
Philadelphia, PA 19104-6206

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PENN

Final draft, October 6, 1998

UNIVERSITY OF WASHINGTON LIBRARIES PRINCIPLES AND GUIDELINES FOR ACQUIRING AND LICENSING ELECTRONIC INFORMATION

INTRODUCTION

As part of its mission, the UW Libraries strives to create and promote "an atmosphere where information and ideas are readily accessible and freely exchanged." To fulfill this mission, the UW Libraries commits to providing essential resources, regardless of format or location." Today, many of these essential resources are provided in an electronic format.

Presently, the standard means of acquiring electronic resources is through a licensing agreement. Libraries must enter into licensing agreements with information providers in order to provide access to and use of electronic products. Close attention must be paid to the details of any agreement entered into by the Libraries. The UW Libraries must carefully review the terms of the agreement and communicate concerns to the licenser before signing it or taking other action that will commit the UW Libraries to the terms of a license.

As a legal contract, a license is "a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties, subject matter, a legal consideration, mutuality agreement, and mutuality of obligations." [Black's Law Dictionary, 6th edition, 1998, p. 322.]

The UW Libraries serves students, faculty, and staff of the University of Washington, including the Seattle, Bothell, and Tacoma campuses and the staff and physicians of the UW Academic Medical Center. These users are authorized to access electronic information licenses by the University of Washington Libraries from both onsite campus locations—including but not limited to libraries, offices, and computer labs—and off-site locations, wherever they may be. The UW Libraries is committed to provide equitable service to all campuses in the University system. This document outlines principles and guidelines to follow when acquiring and licensing electronic products for use by the UW Libraries. Because electronic resources change constantly, this document will change as needed. This document applies to the University of Washington. It may be of use to consortia to which the UW Libraries belongs, including the Cooperative Library Project.

The document draws heavily on these sources:

American Association of Law Libraries et al. Final draft, July 15, 1997. *Principles for licensing electronic resources.*
http://www.arl.org/scomm/licensing/princples.html

International Coalition of Library Consortia. 1998? *Statement of current perspectives and preferred practices for the selection and purchase of electronic information.*
http://:www.library.yale.edu/consortia/statement.html

University of California Libraries. Collection Development Committee. May 22, 1996. *Principles for acquiring and licensing information in digital formats.*
http:sunsite.berkeley.edu/Info/principles.html

SELECTION CRITERIA

Conventional collection development criteria are paramount and should be applied consistently across all formats, including electronic or digital resources.

PRINCIPLES AND GUIDELINES FOR ACQUIRING AND LICENSING ELECTRONIC INFORMATION

Signers **must** be aware of all the conditions in the license, stated and unstated, because of the finality of the license agreement. All important aspects of electronic agreements **must** be covered, in order to protect the UW from unpleasant surprises after license is signed.

All terms and conditions should be negotiated and clearly stated in the contract. Hidden charges, after-the-fact retroactive charges, changes in content or any other changes in commitment are not acceptable without re-negotiation.

The terms of a license are considered fixed at the time the license is signed by both parties. If the terms are subject to change, the agreement should require the licenser or the UW Libraries (as licensee) to notify the other party in a timely and reasonable fashion of any such changes before they are implemented, and permit either party to terminate the agreement if the changes are not acceptable.

A license agreement **must** provide appropriate termination rights for each party. As appropriate, the UW Libraries will seek a prorated rebate of license costs if the termination is due to breaches in the agreement by the licenser.

ACCESS

1. A license agreement should state clearly what access rights are being acquired by the UW Libraries (e.g., permanent use of the content or access rights only for a defined period of time; number of simultaneous users, if appropriate.)
2. The UW Libraries prefers licenses that do not limit its right to integrate data into local system infrastructures and information services. This includes the option to mount information locally on a system of the UW Libraries' choice.
3. The UW Libraries prefers licenses that allow portions of data to be downloaded to personal data systems for personal use and that allow the use of reproductions.
4. Negotiations for licensing agreements should strive to obtain uniform access for Seattle, Bothell, and Tacoma Campus libraries at the most economical levels

possible. Access on this system-wide basis may, of course, be limited to a specified number of simultaneous uses. Dedicated workstations are not a desired way to deliver electronic information. In rare instances, access may be limited, due to cost, to a specific workstation or workstations within the UW Libraries.

5. Sufficient note of increases in access fees and changes in access mechanisms should be communicated in advance of renewal, and license re-negotiations should be possible at the time of renewal.

ARCHIVING

1. As a research institution, the UW Libraries has a legitimate interest in maintaining archives and a mission to ensure archival access. In general, agreements should clearly state archival responsibility, and should include permanent rights to information that has been paid for, in the event that a licensed database is subsequently canceled or removed. The agreement should allow the UW Libraries to copy data for the purposes of preservation and/or the creation of a usable archival copy. If a license agreement does not permit UW Libraries to make a usable preservation copy, a license agreement should specify who has permanent archival responsibility for the resource and under what conditions the UW Libraries may access or refer users to the archival copy.
2. The UW Libraries recognizes that not all electronic materials are available through licenses that meet the above archiving goals. The UW Libraries will continue to acquire access to some electronic materials for which archival access is not assured. The UW Libraries, however, prefers and will continue to seek solutions that ensure long-term access to the electronic information it acquires.

AUTHORIZED USERS AND AUTHENTICATION

1. As a public institution with a broad mandate to serve the State of Washington, the UW Libraries' "authorized users" include currently registered students, appointed faculty and employed staff of the University of Washington, including the Seattle, Bothell, and Tacoma campuses; the staff and physicians at the UW Academic Medical Center, including the University of Washington Medical Center and the Harborview Medical Center and their clinics. The licensee may provide remote, controlled network access to the above user group and to other library patrons (a.k.a. "walk-in users") accessing the UW online system onsite.
2. Licenses should allow access to an electronic product by walk-in library users. In those cases where walk-in access is not allowed, the license should state clearly what reasonable and appropriate methods the UW Libraries is expected to take to notify its user community of use restrictions.
3. Currently, the UW Libraries strongly prefers IP recognition as the authentication mechanism for UW computer users with passwords for remote access. If vendors cannot comply with this, then UW will allow the use of passwords as the authentication mechanism. However, UW will not allow simultaneous use of both an IP address and a password as the authentication mechanism.

CONFIDENTIALITY

1. A license agreement should fairly recognize those access enforcement obligations which the UW Libraries is able to implement without unreasonable burden. Enforcement **must** not violate the privacy and confidentiality of authorized users.

2. UW use data should be available to the UW Libraries as part of contractual provisions for a license, and the confidentiality of individual users and their searches **must** be fully protected. Use data collection by licensers should be disclosed to the UW Libraries prior to collection.
3. Use data generated by the UW Libraries may be available to the licenser at the discretion of the UW Libraries. As with use data provided by the licenser, use data generated by the UW Libraries **must** not violate the privacy and confidentiality of authorized users.

CONTENT AND FORMAT

1. Licenses should not limit the UW Libraries' right to enhance or reformat data (if content integrity is preserved) to make it more visible or convenient for users (e.g. by providing links to other holdings, or annotation for use within the UW Libraries' community).
2. In general, electronic files (e.g., electronic copies of journal articles) should be available not later than the publication of the article in its print format.
3. Information providers should keep the UW Libraries informed of significant format and content changes and coordinate their implementation with the UW Libraries.
4. The licenser should notify the UW Libraries of changes in content and format in advance of renewal. License re-negotiations, based on these changes, should be possible at the time of renewal.

FAIR USE

1. Libraries follow the well established principle of Fair Use to allow use of copyrighted materials for non-commercial, educational, instructional, and research purposes. This concept continues to be relevant and must be retained in the electronic environment. Licenses **must** permit fair use of all information by authorized users, including unlimited viewing and downloading portions of electronic information for personal use.
2. Use of information for electronic reserves should be permitted.
3. Institutions should be able to use hard or electronic copies derived directly or indirectly from the electronic edition of publications for the purpose of making interlibrary loans in accordance with current copyright law (section 108 of the Copyright Act of the U.S.) and the National Commission on New Technological Uses of Copyrighted Works (CONTU) guidelines.

FUNCTIONALITY

1. The license **must** state that the licenser warrants workability of the product and that the licenser will take measures to improve performance of the product to maintain its workability. If the licenser does not maintain a workable product, then the UW Libraries **must** be able to terminate the license and should be able to receive a rebate for the unused license period.
2. Data formats should follow industry standards, be platform-independent, and available in a multiplicity of formats (e.g., ASCII, PDF, SGML, etc.).
3. Response time should not inhibit use.
4. Interfaces should be easy to master by basic users.
5. The UW Libraries generally seeks licenses that make the licensed content of the digital resource, plus any associated features and capabilities, accessible from all institutionally-supported computing platforms and networked environments based on

current standards (e.g., Z39.50 compliant in 1996). Included in these standards is compatibility with existing adaptive technology for users with disabilities.

6. Users should be able to download content of an electronic product in several ways, including e-mail or saving. All of the textual content of the product, including graphics, should be able to be downloaded, including printing, e-mail, or saving as an electronic copy.

LIABILITY AND INDEMNIFICATION

1. A license agreement **must** not hold the UW Libraries liable for unauthorized uses of the licensed resource by its users as long as the UW Libraries has implemented reasonable and appropriate methods to notify its user community of use restrictions.
2. Information providers should employ a standard agreement that describes the rights of libraries and their authorized users in terms that are clear and explicit, and should reflect realistic expectations concerning the UW Libraries' ability to monitor use and discover abuse. Agreements should contain consistent business and legal provisions, including, for example, indemnification against third-party copyright infringement liability and permission to use records in personal bibliographic systems.
3. If a licenser refuses to remove or alter unacceptable indemnification clauses, then the licenser should: a) state that it is the UW Libraries' actions which are being monitored as opposed to all users of the product; or b) both the licenser and the UW Libraries are indemnified from all other third-party user claims of liability/damage.
4. A license agreement should fairly recognize those access enforcement obligations which the UW Libraries is able to implement without unreasonable burden. Enforcement **must** not violate the privacy and confidentiality of authorized users.
5. The UW Libraries is responsible for establishing policies that create an environment in which authorized users make appropriate use of licensed resources and for carrying out due process when it appears that a use may violate the agreement.
6. A license agreement should require the licenser to give the UW Libraries notice of any suspected or alleged license violations that come to the licenser's attention. The licenser should allow a reasonable length of time for the UW Libraries to investigate and take corrective action, if appropriate.

MEASUREMENT

1. The UW Libraries and providers should, over time, jointly develop and agree upon what constitutes an effective measure of the use and value of electronic information.
2. UW use data should be available to the UW Libraries as part of contractual provisions for a license and the confidentiality of individual users and their searches **must** be fully protected. Use data generated by the UW Libraries may be available to the information provider at the discretion of the UW Libraries.

PRICING

1. The UW Libraries should have flexibility in selecting appropriate access and storage mechanisms and should be able to alter an existing license, subject only to use restrictions in the license agreement.
2. Bundling electronic and print subscriptions should not be the sole pricing option for purchasing e-information. The UW Libraries should have the option to purchase the electronic product without the paper subscription. Licenses and purchase agreements for electronic journals should not be premised upon a fixed base year expenditure for purchase of information or contain "no cancellation" clauses that

require the library to continue paying for print subscriptions to be able to obtain the electronic version.

3. Discounts in pricing should be encouraged if both print and electronic formats are acquired. Publishers should be discouraged from increasing prices to amortize conversion costs over short time frames.
4. Providers should not prohibit the UW Libraries from working with consortia partners to obtain advantageous pricing or other special arrangements.
5. Sufficient note of increases in license fees should be communicated in advance of renewal, and license re-negotiations should be possible at the time of renewal.

LIST OF HIGHLIGHTED REQUIRED AND DESIRABLE CONTRACT FEATURES

This list highlights information in the preceding statement of principles and guidelines.

Required (a.k.a. Deal Breakers)
Clear, complete statement of terms and conditions
Confidentiality for users
Fair use of all information for non-commercial, educational, instructional, and research purposes by authorized users, including downloading portions of the electronic information for personal use and unlimited viewing.
License must not hold UW Libraries responsible for unauthorized use as long as reasonable and appropriate methods are implemented to notify user community of restrictions
Termination rights appropriate to both parties
Warranty of systems functionality and service

Desirable
Archival access
Data enhancement or reformatting to increase convenience is allowed
Downloading of limited amounts of data to personal data systems for personal use
Electronic reserves allowed
Fair use supported regarding electronic reserves and interlibrary loan
Flexible access methods and storage
Indemnification for third-party use and claims in standard business language
IP recognition (without passwords) as access control
Notice of license violations provide reasonable time to take corrective action
Pricing options and flexibility, including consortial options and sufficient notice of increases
System-wide access
User data as a joint commitment of supplier and UW Libraries
Walk-in use

Pending Action Item: Add as required or desirable a statement regarding license jurisdiction in the state of Washington, pending consultation with the Attorney-General.

Pending Action Item: Include a statement on YR2000 compliance as appropriate.

University of Connecticut

The University of Connecticut is a Land Grant University governed by a single board of trustees and one president. One Chancellor/Provost oversees the medical school, while another Chancellor/Provost, with administrative offices in Storrs, oversees the remaining campuses. The main campus (and the only residential campus) is the Storrs campus, with a School of Law in West Hartford and Schools of Medicine and Dental Medicine in Farmington. Five Regional Campuses (at Avery Point, Hartford, Stamford, Torrington, and Waterbury) are overseen by the Associate Provost at Storrs. Faculty at the Regional Campuses are tenured by departments which are administratively centered in Storrs. All grants and contracts are awarded to principal investigators through their schools at the Storrs campus. The Storrs campus and the regional campuses share a single faculty and administration; all degrees are granted from the Storrs campus. Network authentication of faculty, staff, and students is university-wide, and cannot be restricted by the campus where coursework is offered. The University of Connecticut Libraries, excluding the law and medical libraries, are a single library system with one director and one acquisitions budget.

Institutional Profile:
Courses of study offered, Student Enrollment, and Faculty Appointments, 1997

STORRS: Undergraduate and graduate degrees through the Ph.D. from 13 schools and colleges in 80 fields of study.
Students: 12, 829 FTE
Faculty: 928 FTE

Regional Commuter Campuses:

AVERY POINT: First two-year undergraduate courses; Marine Sciences Research Institute (a department of the College of Liberal Arts and Sciences, Storrs).
Students: 384 FTE

HARTFORD: First two-year undergraduate courses; the Master of Business Administration, through the School of Business Administration, Storrs; the Master of Social Work.
Students (Undergraduate and Graduate): 597 FTE

STAMFORD: Coursework toward the BA/BS with majors in English, economics, history, political science, psychology, and sociology, through the College of Liberal Arts and Sciences, Storrs; Master of Business Administration and Executive MBA, through the School of Business Administration, Storrs.
Students: 491 FTE

TORRINGTON: First two-year undergraduate courses.
Students: 174 FTE

WATERBURY: First two-year undergraduate courses.
Students: 308 FTE

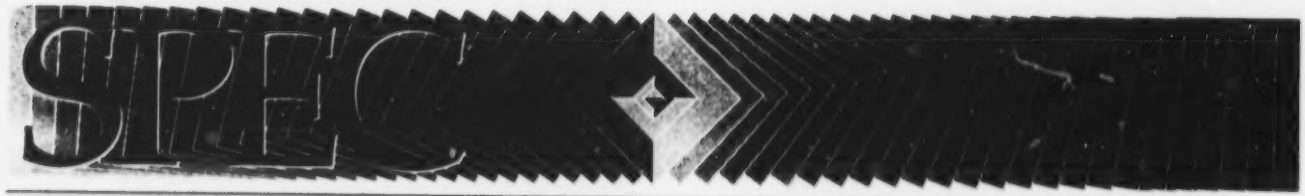
SCHOOL OF LAW (West Hartford): J.D.
Students: 547 FTE
Faculty: 42 FTE

SCHOOL OF MEDICINE AND DENTAL MEDICINE (Farmington): M.D., D.D.M., M.P.H., Ph.D.
Students: 504 FTE
Faculty : 450 FTE

Authorized User Definition

Authorized users of the University of Connecticut Libraries are the following groups: 1) persons officially registered as full or part-time students of the University of Connecticut in both degree and non-degree programs; the University of Connecticut faculty (including emeritus faculty), and other members of the teaching staff; administrators; and employed staff; 2) authorized affiliates, e.g. affiliated or visiting scholars or researchers, outreach programs, intern programs, etc.; 3) other individual authorized users sponsored by University of Connecticut faculty or staff for guest accounts in order to complete academic or administrative work; 4) any of the groups above at any location in the world, with appropriate authentication; 5) all onsite users within the University of Connecticut Libraries, campus, or University.

The University of Connecticut Libraries is defined as the main campus library in Storrs, the five regional campus libraries, the School of Law Library and the Medical Center Library. Onsite users on any of these eight campuses are within the University of Connecticut.



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SELECTED RESOURCES

Books and Journal Articles

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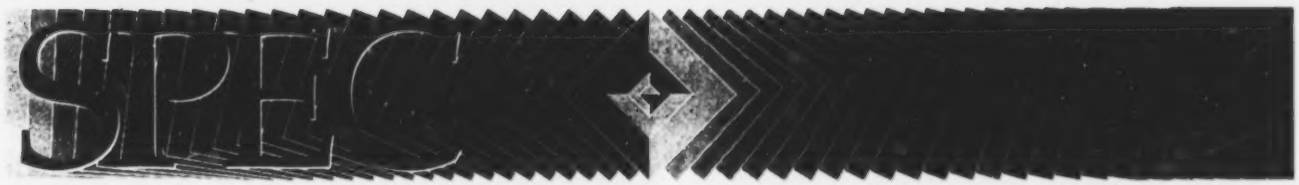

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____	SP247	Management of Lib Security
____	SP246	Web Page Devel & Managmnt
____	SP245	Electronic Reserves Operations
____	SP244	TL 9: Renovatn & Reconfigurtn
____	SP243	TL 8: Users with Disabilities
____	SP242	Library Storage Facilities
____	SP241	Gifts and Exchange Function
____	SP240	Marketing and PR Activities
____	SP239	Mentoring Programs in ARL
____	SP238	ARL GIS Literacy Project
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____	SP235	Collaborative Coll Managmnt
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____	SP218	Info Technology Policies
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____	SP201	E-journals/Pol & Proced
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____	SP178	Insuring Lib Colls & Bldgs
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____	SP161	Travel Policies
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____	SP157	Fee-based Services
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____	SP135	Job Analysis
____	SP134	Planning Mgt Statistics
____	SP133	Opt Disks: Storage & Access
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____	SP130	Retrospective Conversion
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____	SP102	Copyright Policies

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____	SP094	Fund Raising
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____	SP072	Executive Review
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____	SP068	AACR2 Implement Studies

QTY	TITLE	
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____	SP063	Collective Bargaining
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____	SP060	Lib Materials Cost Studies
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____	SP036	Allocation Materials Funds
____	SP035	Preservation of Lib Materials
____	SP034	Determin Indirect Cost Rate

QTY	TITLE	
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